

Issued by the  
**UNITED STATES DISTRICT COURT**

Northern

DISTRICT OF

Ohio

Jane Doe, et al.,

V.

Dean Boland

**SUBPOENA IN A CIVIL CASE**

Case Number:<sup>1</sup> 1:07CV 2787

TO: Don Malarcik, Esq.  
One Cascade Plaza, Suite 900  
Akron, OH 44308

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any and all documents, things, exhibits, images, CD's and/or reports prepared by Dean Boland that are in your possession or under your control and if any requested item is no longer in your possession or control a description of the requested item and a statement as to what happened to it.

PLACE

Law Office of Jonathan E. Rosenbaum, 230 Third Street, Suite 104, Elyria, Ohio 44035. You need not appear if you mail the requested with a letter cataloging them

DATE AND TIME

6/12/2008 9:00 am

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Jonathan E. Rosenbaum, 230 Third Street, Suite 104, Elyria, Ohio 44035 440-322-7972

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

Don Marlarick

Certified Mail

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Jonathan Rosenbaum

Attorney

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

7/23/08  
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

230 3rd St, #104

Elyria, Ohio 44035

Rule 45. Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney, but is not limited to, a sanction, which may include, but is not limited to, an order to pay the reasonable expenses of the person, including attorney's fees, incurred by that person because of this duty an appropriate sanction, which may include, but is not limited to, an order to pay the reasonable expenses of the person, including attorney's fees, incurred by that person because of this duty.

(2) (A) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(B) Subject to paragraph (2), a person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(C) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(D) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(E) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(F) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(G) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(H) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(I) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(J) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(K) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(L) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

(M) A person who is served with a subpoena shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Don Marlarick, Esq.  
One Cascade Plaza, Suite 900  
Akron, OH 44308

## 2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

7004 2510 0005 4217 9760

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

x Dawn Thomas

- ☐ Agent  
☐ Addressee

## B. Received by (Printed Name)

Dawn Thomas

## C. Date of Delivery

5-2-08

## D. Is delivery address different from item 1?

- ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

- ☐ Yes

shall produce them as they appear to correspond with the information in the form or forms that are reasonably accessible because of the limitations of Rule 45.

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ne electronically stored information in a form or forms that are reasonably accessible because of the limitations of Rule 45.

covery of electronically stored information in a form or forms that are reasonably accessible because of the limitations of Rule 45.

theless order discovery of electronically stored information in a form or forms that are reasonably accessible because of the limitations of Rule 45.

claim that it is privileged information in a form or forms that are reasonably accessible because of the limitations of Rule 45.

it is subject to a claim of privilege in a form or forms that are reasonably accessible because of the limitations of Rule 45.

After being notified, the person from whom the information is reasonably accessible because of the limitations of Rule 45.

termination of the claim. After being notified, the person from whom the information is reasonably accessible because of the limitations of Rule 45.

d, it must take reasonable steps to preserve the information in a form or forms that are reasonably accessible because of the limitations of Rule 45.

(c) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).